

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**


<b>T. H. HILL,</b>	)	
<b>Plaintiff,</b>	)	
<b>vs.</b>	)	<b>No. 3:15-CV-1311-D</b>
	)	
<b>DALLAS COUNTY DISTRICT</b>	)	
<b>ATTORNEY'S OFFICE, et al.</b>	)	
<b>Defendants.</b>	)	

**ORDER OF THE COURT ON RECOMMENDATION REGARDING  
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

- ( ) The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
  
- (X) The application for leave to proceed *in forma pauperis* on appeal is DENIED because the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3) that the appeal is not taken in good faith. In support of this certification, the Court notes that a magistrate judge's report and recommendation is not an appealable order. *See Propes v. Dretke*, 130 F. App'x 654, 655 (5th Cir. 2005) (citing *United States v. Cooper*, 135 F.3d 960, 963 (5th Cir. 1998) ("[A] magistrate judge's report is not an appealable judgment".)) As Plaintiff filed a notice of appeal from the magistrate judge's report, this Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous.
  
- (X) Although this court has certified that the appeal is not taken in good faith under 28 U.S. C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the plaintiff may challenge this finding pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.

**DATE:** June 3, 2015.

  
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SIDNEY A. FITZWATER  
UNITED STATES DISTRICT JUDGE